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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,875	05/08/2000	DONALD ARTHUR REYNOLDS	65008-018	4421

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EXAMINER
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SHIPSIDES, GEOFFREY P

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 05/17/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/486,875

Applicant(s)

REYNOLDS, DONALD ARTHUR

Examiner

Geoffrey P. Shippides

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 5-6 of claim 1 recite the limitation of "whereby the front surface of the joint is entirely defined by the front surface." This, however, is unclear and indefinite as the claim language recites that both of the extrusions of plastic and the finished joint both have front surfaces, as so it is unclear as to which front surface the "front surface" recited on line 6 of claim 1 refers. The claims have now also been examined as if the front surface of the joint is entirely defined by the front surfaces of the two plastic extrusions. Clarification and/or correction are required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,069,849 (Wain).

Wain teaches a method for forming a window frame molding "by extruding a plurality of linear members of a suitable plastic material, selectively cutting away a portion of one end of each extrusion, placing the cut away ends in a mold with the ends in juxtaposition within the mold and coacting with the mold to form a corner cavity, and injection molding a similar plastic material into the corner cavity to form a molded corner mold section lockingly interconnecting the extrusions. (Abstract, lines 3-11) It is further noted that the word "mitring" has the same meaning as the word "cutting." Wain also teaches removing part of the rear face of the extruded pieces prior to placing the extruded parts in a mold. (Figure 14) The front surface of the formed joint is entirely defined by the front surface of the finished joint.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,364,962 (Eagles) in view of U.S. Patent No. 5,069,849 (Wain).

Eagles teaches a process for joining rubber gaskets (Page 1, Column 1, lines 3-4). Eagles teaches a process where 45 degree angels are cut at the rubber gasket ends (Page 1, Column 2, lines 40-44) and a section of the underside is removed at the joint point to facilitate the molding operation (Figure 4) to create a gasket joint entirely defined by the upper surface of the original gasket material.

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The discussion of Wain above applies herein.

With regard to claim 1, Eagles, however, does not specifically teach the injection molding of material to bond the gasket material together. Eagles also does not specifically teach the extrusion of the stock gasket material. It is, however, well known in the art to extrude material having a constant cross-sectional shape and an indefinite length, even hollow materials, and the gasket material as taught by Eagles has a constant cross sectional shape and a indefinite length. Wain teaches a process of injecting material in order to connect cut stock strips of material into a combined article. Eagles teaches the placement of the gasket material into a mold to vulcanize the material together after the removal of a section of the back of the gasket material. It would have been obvious to one having ordinary skill in the art at the time of invention to extrude the gasket material as is well known in the art and to use the injection of material as taught by Wain to ensure that the gasket material as taught by Eagles forms a strong connection.

With regard to claims 2 and 3, Eagles does not specifically teach what type of material is used. Wain teaches the use of "a suitable plastic material" (Column 5, lines 43-44). Wain gives the example of PVC as a suitable plastic material. It is well known in the art to use multiple plastic materials, including silicone rubber, in constructing molded articles with each material imparting specific qualities with respect to strength and elasticity. It is further well known in the art to provide sealing structures with appropriate strength and elastic qualities to impart a resilient seal, and many silicone rubber compositions are well known to possess such qualities. It is further well known

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in the art that the choice of a suitable plastic material is often dependent on cost and availability. It would have been obvious to one having ordinary skill in the art at the time of invention to preform the method as taught by Eagles in view of Wain using any material including silicone rubbers to form a well connected sealing structure joint and to choose the material based upon cost and availability. Wain further teaches the "injection molding of a similar plastic material into the corner cavity" to form the joint. It would have been obvious to one having ordinary skill in the art at the time of invention to further injection mold the same material, as the extruded portions, into the corner cavity in the process of Eagles in order to ensure material compatibility and to reduce the over all cost of the material though bulk purchasing of the materials.

With respect to claims 4 and 5, the joint as taught by Eagles is a corner that is substantially 90 degrees.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,364,962 (Eagles) in view of U.S. Patent No. 5,069,849 (Wain) as applied to claims 1-5 above, and further in view of U.S. Patent No. 5,699,603 (Backes et al.)

With regard to claim 6, neither Eagles nor Wain teach extruded parts having multiple sealing structures. Eagles teaches a single sealing structure (Figures). Wain teaches a sealing strip that forms a seal in total contact with the part against which it is to be sealed (Figure 4). Backes et al., however, teaches a sealing or guiding strip to be jointed with multiple sealing lips (Figures 7 and 8). It is further well known in the art to produce sealing structures with multiple sealing contacts to improve the sealing quality of the overall seal so that if one seal is compromised, a second sealing contact structure

remains in place to ensure an overall seal. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the gasket material as taught by Eagles to include a series of sealing lips as taught by Backes et al. in order to ensure a more resilient sealing structure.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. The arguments are directed towards the fact that Wain does teach the cutting away of a section of the sealing strip that is to be exposed in the finished product, however, while the original claims as filed did recite the limitation that part of the back of the plastic extrusions are removed, the original claims as filed, however, do not exclude the additional removal of part of the front surface of the extruded plastic. The amended claims also fail to exclude the removal of part of the front surface of the extruded plastic, as discussed above.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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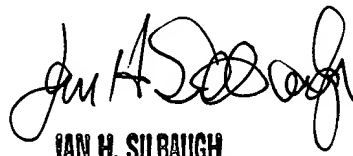
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey P. Shipsides whose telephone number is 703-306-0311. The examiner can normally be reached on Monday - Friday 9 AM till 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Geoffrey P. Shipsides/gps  
May 16, 2002

  
JAN H. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
ART UNIT 1732  
05/17/02